

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	ED103995
)	
Respondent,)	Appeal from the Circuit Court
)	of Pike County
v.)	14PI-CR00309-01
)	
JOSHUA A. McPIKE,)	Honorable James D. Beck
)	
Appellant.)	Filed: March 21, 2017

Joshua A. McPike (Appellant) appeals his conviction by jury of misdemeanor attempted stealing. Appellant challenges the trial court's denial of Appellant's proffered verdict director that included the claim of right defense.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in refusing Appellant's verdict director that included the claim of right defense because Appellant adduced objective evidence at trial that supported his honest belief that he was entitled to take the property in question.

Opinion by: Gary M. Gaertner, Jr., J.
James M. Dowd, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Christian E. Lehmberg
Attorney for Respondent: Mark S. Fisher, Alex G. Ellison

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
